



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 29, 2008

The Honorable Martha Fuller Clark, Chairman
Energy, Environment and Economic Development Committee
Legislative Office Building, Room 102
Concord, New Hampshire 03301

Re: SB 417, relative to removal of dead, diseased or dying trees from the waterfront buffer established in the Comprehensive Shoreland Protection Act

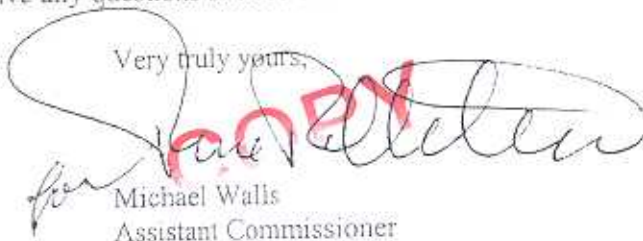
Dear Chairman Fuller Clark:

Thank you for this opportunity to comment on SB 383, which attempts to clarify the intent of the changes made to RSA 483-B, the Comprehensive Shoreland Protection Act (CSPA) during the previous legislative session. The Department of Environmental Services (DES) supports the intent of this legislation, however we have concerns that it may not serve it's intended purpose.

The 2007 amendments established limits on impervious surface area within the protected shoreland which could be increased if certain additional requirements were met. Section V of RSA 483-B:9 contains eight paragraphs, seven of which (ii - viii) allow specific activities within the waterfront buffer. One of the additional requirements for the construction of additional impervious surfaces was the filing of a restrictive covenant that would prohibit the future removal of trees and saplings from a property's waterfront buffer as allowed per RSA 483-B:9, V (a) (2) (D) (iii). This amendment would help to clarify that the removal of dead, diseased, or unsafe trees was still allowed per RSA 483-B:9, V (a) (2) (D) (ii). DES is concerned that by specifying only one of the remaining activities allowed, this amendment could be misinterpreted as prohibiting the other five activities. DES suggests that either all of the allowed activities be reaffirmed in the amendment proposed to RSA 483-B:9, V (g) (2) or none of them be specified so as not to create confusion as to what activities will still be allowed.

Again, thank you for this opportunity to comment on this amended bill. Please feel free to call me at 271-3503, or Rene Pelletier at 271-2951, if you have any questions or need additional information.

Very truly yours,


Michael Walls
Assistant Commissioner

cc: Representatives Borden, J. Day, and Grote
Senator Fuller Clark